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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,824	10/16/2003	Michael R. Furst	A2486Q-US-NP XERZ 2 01278	8480

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EXAMINER	
RICHARDSON, THOMAS W	

ART UNIT	PAPER NUMBER
2444	

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03/03/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/686,824	FURST ET AL.	
	Examiner	Art Unit	
	THOMAS RICHARDSON	2444	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 December 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *34-45* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *34-45* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

20020049839 – 338, platform independent; services, etc.

DETAILED ACTION

Claims 34-45 are pending for examination.

Claims 1-24 are cancelled.

Claims 25-33 are withdrawn from consideration.

Claims 34-45 are rejected.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 34-45 are rejected under 35 U.S.C. 102(b) as being anticipate by US 2002/0049839, Miida.

3. As per claim 34, Miida teaches a system for interfacing peripheral hardware devices with a controller comprising:

a services layer comprised of instruction sets for performing tasks (paragraphs 143 and 148, where the operational programs are stored in a memory such that they cause the CPU to perform tasks associated with the method);

a common device model agent (CDMA) comprised of:

a device independent services environment for executing software to perform services at run time on a peripheral hardware device (paragraph 338, where any number of devices may utilize the method as described);

a device model agent (DMA) software written in a platform independent language and embedded within a device which enables a user to select services to be run on peripheral hardware devices and also provides security (paragraph 184, where the control unit collaborates with the collecting control unit to retrieve device information, also paragraph 8, where the system may securely inform users of information), the DMA comprised of:

a service manager which loads software to be executed, maintains lists of currently installed services, and manages the lifecycle of services, wherein lifecycle includes add, delete, modify, customize, synchronize, and register software services (paragraphs 184-185, where the control unit of the central server maintains device lists and selects a suggestion file based on usage statistics); and,

a common provider applications programming interface (API) which communicates device configurations, device status, and supply levels between the peripheral hardware devices and Service Manager (paragraph 184, where the control unit collaborates with the collecting control unit to retrieve device information, also paragraph 144, where the information is retrieved from the transmission devices local to the hardware utility),

at least one provider application programming interface (API) to provide the software specific functions, procedures and methods (paragraph 147, provider); and,

at least one peripheral hardware device which performs functions in response to the execution of the software (paragraphs 165-167, where the transmission device

receives status information from the device and sends it to the control center upon request).

4. As per claim 35, Miida further teaches a common information model application programming interface (CIMAPI) that visually represents commonly used data and application methods (paragraph 156, also Figs. 9 and 15-17 and associated description, where a web page may be displayed to inform individuals of information from the central server).

5. As per claim 36, Miida further teaches a common interface model object manager (CIMOM) (paragraph 156, also Figs. 9 and 15-17 and associated description, where a web page may be displayed to inform individuals of information from the central server).

6. As per claim 37, Miida further teaches the instruction sets for performing tasks includes printing (paragraph 250, where services may be related to a printer).

7. As per claim 38, Miida further teaches the instruction sets for performing a task includes instruction sets for a remote monitoring service (paragraph 186, where the status information of a device is analyzed).

8. As per claim 39, Miida further teaches the instruction sets include instruction sets for supplies replenishment (paragraph 186, where the status information of a device is analyzed such that a suggestion may be made for supplies to be ordered or changed, as in paragraph 274).

9. As per claim 40, Miida teaches a system for interfacing peripheral hardware devices with a controller comprising:

a services layer comprised of instruction sets for performing tasks (paragraphs 143 and 148, where the operational programs are stored in a memory such that they cause the CPU to perform tasks associated with the method);

a common device model agent (CDMA) comprised of:

a device independent services environment for executing software to perform services at run time on a peripheral hardware device (paragraph 338, where any number of devices may utilize the method as described);

a common information model application programming interface (CIMAPI) that visually represents commonly used data and application methods (paragraph 156, also Figs. 9 and 15-17 and associated description, where a web page may be displayed to inform individuals of information from the central server);

a device model agent (DMA) software written in a platform independent language and embedded within a device which enables a user to select services to be run on peripheral hardware devices and also provides security (paragraph 184, where the control unit collaborates with the collecting control unit to retrieve device information, also paragraph 8, where the system may securely inform users of information), the DMA comprised of:

a common interface model object manager (CIMOM) (paragraph 156, also Figs. 9 and 15-17 and associated description, where a web page may be displayed to inform individuals of information from the central server); and,

a service manager which loads software to be executed, maintains lists of currently installed services, and manages the lifecycle of services, wherein lifecycle

includes add, delete, modify, customize, synchronize, and register software services (paragraph 186, where the status information of a device is analyzed such that a suggestion may be made for supplies to be ordered or changed, as in paragraph 274); and,

a common provider applications programming interface (API) which communicates device configurations, device status, and supply levels between the peripheral hardware devices and both the CIMOM and Service Manager (paragraph 186, where the status information of a device is analyzed such that a suggestion may be made for supplies to be ordered or changed, as in paragraph 274),

at least one provider application programming interface (API) to provide the software specific functions, procedures and methods (paragraph 147, provider); and,

at least one peripheral hardware device which performs functions in response to the execution of the software (paragraphs 165-167, where the transmission device receives status information from the device and sends it to the control center upon request).

10. As per claim 41, Miida further teaches the instruction sets for performing tasks includes instruction sets for printing (paragraph 250, where services may be related to a printer).

11. Claims 42-45 are substantially the same as claims 34-37, directed toward a method rather than a system. Miida teaches a method as well as a system (title). Claims 42-45 are therefore rejected under the same basis as claims 34-37.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 5 220 674, Morgan et al teaches a print server for requesting and storing required resource data and forwarding status information to a destination.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THOMAS RICHARDSON whose telephone number is (571) 270-1191. The examiner can normally be reached on Monday through Thursday, 8am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TR

/William C. Vaughn, Jr./
Supervisory Patent Examiner, Art Unit 2444